

**Naples Planning and Land Use  
Public Meeting  
July 19, 2016**

**Commission Present:** Mark Partridge, Szeth Simmons, Andrew Bentley, and Chris Clark

**Commission Absent:** Cresta Slaugh, and Mishelle Rowell

**Others Present:** Joshua Bake, Heidi Lundberg, Ken Reynolds, Liberty Best

**Verification of full Quorum** Mark Partridge verified a full quorum.  
All commission members will be voting in tonight's meeting.

**Approval of Agenda** Joshua Bake presented the new agenda template.  
Chris Clark motions to approve the agenda for the July 19, 2016 meeting, Szeth Simmons seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**Disclosures** None

**Approval of Minutes** Commissioner Partridge asked about the misinformation in the last meeting about conditional uses from Heidi Lundberg. An email was sent to clarify and the email is attached to the June 21, 2016 minutes.  
Szeth Simmons motions to approve the June 21, 2016 minutes with the email clarification sent by Heidi Lundberg. Andrew Bentley seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**Land Use Ordinance Changes – 02-06 Appeals and Variances**

Mrs. Lundberg introduced the Appeals and Variance chapter 02-06. The only changes from the meeting last month were the state statute for variances was written out; and public hearings were removed from the chapter since they are not state mandated. Commissioner Partridge asked if the Mayor sole person choosing and removing the Hearing Officer. Commissioner Bentley read from the proposed ordinance the Hearing Officer shall be appointed by the Mayor with advice and consent of City Council. Mr. Bake stated it is the same way Planning Commissioners are appointed. Commissioner Clark brought up a concern about the stay of proceedings. Mr. Bake clarified that a stay is automatically put on all further proceedings unless the Planning Director certifies that it would be against the best interest of the City. Commissioner Bentley asked for clarification on a stay. Mr. Bake clarified that it puts a pause on the proceedings, not a permanent decision. With a lot of the planning items, there is a timeline, so the state puts a pause on the timeline until the Hearing Officer can make a final determination. Discussion on examples of stays. Mr. Bake stated there has to be good reasons to lift the stay and would need to be defended. Commissioner Bentley asked if a citizen could appeal a decision made for another property owner. Commissioner Clark read from the

ordinance 02-06-003-B Parties Entitled to Seek Variances. Mr. Bake stated a citizen couldn't appeal, but there would be remedies for other property owners. Commissioner Clark asked about the appointment term listed 02-06-001-C Qualifications, is there a reason to provide a limit or is there a state law to provide a limit like other public offices? Mr. Bake replied it was put in there from examples of other cities. Commissioner Clark stated it specifically brings up Group Homes, Subdivisions, and Nonconforming Use. What is the purpose of specifically stating Group Homes and Subdivisions? Mr. Bake and Mrs. Lundberg stated it was specific to Vernal City's ordinance. Commissioner Bentley mentioned the State Ombudsman during training, discussed the difficulties of dealing with Group Homes. Commissioner Clark commented if it is state statute somewhere then that's fine to leave in. Mr. Bake mentioned it would call out Beehive homes, since we do have that one zone in our ordinance that deals with group homes. Commissioner Clark commented a group home would be a use, why would it be singled out versus every other use out there? Mr. Bake stated he didn't have a full answer; we can strike those from the ordinance. Commissioner Clark asked if staff could look into it. Mr. Bake agreed staff would look into it. Commissioner Clark commented two of those sections are specific to the planning director's decisions, not necessarily the planning commission, and maybe that is why those are stated specifically in Vernal City's code. Mr. Bake stated he will check with them and find out. Commissioner Clark stated if we keep nonconforming uses and group homes in we would need to add in the planning commission's decisions as well. Mr. Bake commented we will look into it. Commissioner Clark pointed out a few spelling errors, which were noted by Mrs. Lundberg. Commissioner Bentley summarized the nonconforming uses and group homes were both decided by their planning director which appeals would go straight to the hearing officer, and subdivisions approved by the planning director, which appeals were sent to the planning commission. Commissioner Clark commented we need to make sure that's straight with our ordinances and who is making the decisions and what they're appealing. Commissioner Bentley stated if a decision is made administratively and is appealed it might be a possible step before taking it straight to the Hearing Officer. Mr. Bake mentioned as we go through the ordinances, things that can be approved administratively, there is no point in wasting the commissioner's time just to make sure people are crossing their T's and dotting their I's. The Ombudsman is supporting if it can be approved administratively, let it be done. Policy decisions should be done by the Planning Commission. Mr. Bake stated we need to change Planning Director to Land Use Administrator, to keep it uniform with our ordinance. He also asked if there were any other questions or comments. Commissioner Clark asked if variances applied to our ordinances. Mr. Bake replied to an extent, state statute mandates what a variance can be.

Commissioner Partridge asked if the commission will rule on this tonight. Mr. Bake replied it is up to the commissioners, you can rule with the proposed changes, you can table it until you see the final changes. It is still important we have the public hearing tonight. Staff's recommendation would be to table it with those three changes so we can get it ready how you want it. Commissioner Partridge asked for a motion to open the public hearing.

Chris Clark motions to open the public hearing for the Chapter 02-06 Appeals and Variances. Szeth Simmons seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

## **PUBLIC HEARING**

No comments

Szeth Simmons motions to close the public hearing for the Chapter 02-06 Appeals and Variances. Andrew Bentley seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

Mr. Bake commented due to the fact that this is not a final approval, if the commission so wished they could approve with the changes knowing that City Council would have to approve it as well. Commissioner Partridge stated he feels we should table it until the next meeting. Make the changes and they can be discussed again, then if we feel comfortable with everything we can approve it and send it to City Council.

Andrew Bentley motions to table this matter until the final changes are made on Chapter 02-06 Appeals and Variances. Chris Clark seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

## **PLANNING/DISCUSSION**

### **Land Use Ordinance Changes**

#### **Discussion on Public Hearings**

Joshua Bake explained the difference between public hearings and public meetings. Public meetings are open to the public, but they do not have a right to speak. A public hearing is a public meeting, and anyone has the right to speak. A draft of the changes made was handed out. The State Ombudsman has been really pushing to eliminate public hearings that are not necessary. The state statute requires public hearings for changing the general plan; land use ordinance change; subdivision ordinance; vacating, altering or amending a subdivision plat; vacating a street or right of way easement; annexation policy; and annexation adoption. Staff has gone through and found where the public hearings are required per city ordinance but not per state statute and created a redline copy. The public hearings were removed from chapters 02-03 Administration and Procedures; 02-07 Nonconforming uses – Noncomplying Structures; 02-08 Conditional Uses; 02-29 Infill Development; and 02-31 Subdivisions of the Land Use Ordinances. Mr. Bake asked commissioners for their approval to move forward with a public hearing next month to remove the non-state mandated public hearings from the Land Use Ordinances. Commissioner Partridge stated his approval with moving forward.

## **ITEMS FOR FUTURE DISCUSSION**

### **Land Use Ordinance Changes**

#### **Discussion on Highway 40 corridor**

Mr. Bake stated we are still working on the highway 40 corridor and are getting more information from other cities.

#### **Discussion on C1 Zone**

Mr. Bake explained we would like the commissioners to look at the C1 zone uses to go over and make any changes they feel would need to be changed. Think about what the purpose of our downtown is and what type of businesses we want in our downtown.

**ADJOURN**

Szeth Simmons motions to adjourn, Chris Clark seconds the motion.  
All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye.  
None opposed.

**The next Planning and Zoning meeting will tentatively be held August 16, 2016 in the Naples City Council  
Chambers @ 7:30 P.M.**